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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,862	11/07/2000	Shunpei Yamazaki	SEL-224	9819

7590 07/13/2005

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EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,862

Applicant(s)

YAMAZAKI ET AL.

Examiner

Karabi Guharay

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(Signature)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-22 is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 11/09/1999. It is noted, however, that applicant has not filed a certified copy of the JP-11-318252 application as required by 35 U.S.C. 119(b).

Election/Restrictions

Applicant's election of Group II invention, including claims 15-30 in the reply filed on 4/25/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Cancellation of non-elected claims 1-14 are acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike et al. (US 6345903).

Regarding claim 23, Koike et al. disclose a method of manufacturing a light emitting device (Fig 6-Fig 10) comprising the step of forming a first sealing material (21) so as to surround at least a light emitting element (15) at a plurality of places over an

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insulator (glass epoxy substrate 12 or 31, lines 12-14 of column 5), dropping encapsulant (25 & 27) over the light emitting element 15 (lines 39-41 of column 5), adhering a covering material (third encapsulant 28) to the insulator (substrate 12 or 31) by the first sealing member after dropping the first encapsulant (lines 1-16 of column 6) and cutting a part of the insulator (substrate and a part of the covering material (27 & 28) after the step of adhering the covering material (27 & 28, see lines 1-11 of column 8, Fig 10).

Regarding claim 24, Koike et al. disclose a step of scattering a spacer (36) after the first sealing material 21 is formed (lines 42-46 of column 7).

Regarding claim 25, Koike et al. disclose that the encapsulant (25) comprises a resin (line 40-42 of column 7).

Regarding claim 26, Koike et al. disclose that a hygroscopic material, aluminum oxide, is added to the encapsulant 27 (lines 10-13 of column 6).

Regarding claim 27, Koike et al. disclose a method of manufacturing a light emitting device (Fig 6-Fig 10) comprising the step of forming a first sealing material (21) so as to surround at least a light emitting element (15) at a plurality of places over a substrate (glass epoxy substrate 12 or 31, lines 12-14 of column 5), dropping encapsulant (25 & 27) over the light emitting element 15 (lines 39-41 of column 5), adhering a covering material (third encapsulant 28) to the insulator (substrate 12 or 31) by the first sealing member after dropping the first encapsulant (lines 1-16 of column 6), cutting a part of the insulator (substrate and a part of the covering material (27 & 28) after the step of adhering the covering material (27 & 28, see lines 1-11 of column 8, Fig

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10), attaching a connection terminals over the substrate (lines 4-14 of column 7, Fig 4), forming a second sealing material (mold material 46 of Fig 15) so as to abut an exposed portion of the first sealing member.

Claims 28-30 recite essentially the same limitations of claims 24-26 respectively. Thus claims 28-30 are rejected as claims 24-26 respectively (see rejections of claim 24 -26).

Allowable Subject Matter

Claims 15-22 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 15 & 19, the prior art of record neither shows nor suggests a method of manufacturing a light emitting device comprising all the limitations set forth in claim 15 or claim 19, particularly comprising the step of injecting an encapsulant in a portion of surrounded by the insulator, the covering material and the first sealing material and cutting a second part of the insulator and a second part of the cover after the step of injection the encapsulant.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Lai (US 6825612); Park et al. (US 2003/0218422).

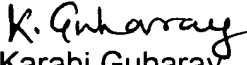
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (571) 272-2452. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karabi Guharay
Patent Examiner
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